

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14965 of 2023

Ram Janki Siya Bihari Kunj Thakurbari, Rajapur through Mahanth Nagendra Das, aged about 64 years, male, son of Mahanth Baidehi Sharan, resident of Rajapur Pul, Gate No. 29, Siya Bihari Kunj Thakurbari, P.S. Shri Krishnapuri, District- Patna. Petitioner/s

Versus

1. The Bihar State Board of Religious Trusts through its Chairman, Vidyapati Marg, Patna.
2. The Chairman, Bihar State Board of Religious Trust, Vidyapati Marg, Patna.
3. The Secretary, Bihar State Board of Religious Trust, Vidyapati Marg, Patna.
4. The District Magistrate, Patna.
5. The Sub-Divisional Officer, Sadar, Patna.
6. The Superintendent of Police, Patna.
7. The Officer Incharge, Shri Krishnapuri, Patna.
8. Bipin Kumar Sinha, S/o Late Brind Kumar Sinha, R/o Anandpuri, P.S. - Sri Krishnapuri, District - Patna.
9. Ashok Singh @ Pappu S/o Late Nageshwar Sharan Singh, R/o Rajapur, P.S. - Sri Krishnapuri, District - Patna.
10. Praveen Kumar, S/o Late Ramakant Pandey, R/o Rajapur Mainpura, P.S. - Sri Krishnapuri, District - Patna.
11. Sourabh Kumar Singh, S/o Late Gorakh Prasad Singh, R/o Rajapur P.S. - Sri Krishnapuri, District - Patna.
12. Ajay Kumar Pandey, S/o Late Ramakant Pandey, R/o Rajapur Mainpura, P.S. - Sri Krishnapuri, District - Patna.
13. Sohan Singh, S/o Late Shiv Pratap Singh, R/o Anandpuri, P.S. - Sri Krishnapuri, District - Patna.
14. Subhash Kumar, S/o Late Prem Mahto, R/o Rajapur Mainpura, P.S. - Sri Krishnapuri, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Sr. Advocate
Mr. Sanjay Kumar, Advocate
For the State : Mr. Prashant Pratap, GP 2
For Religious Trust : Mr. Shekhar Singh, Advocate
Board
For private respondents : Mr. Mirtyunjay Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 19-06-2024

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the respondents.

2. The present writ petition has been filed for the



following reliefs:-

“i. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents for quashing Memo No. 2081 dated 05.09.2023 whereby and under the respondent no. 2 has been pleased to constitute a Ad hoc committee in exercise of power given under Section 32 of Bihar State Board of Religious Trusts Act and selected 11 persons in the committee to look after affairs of Shri Ram Janki Siya Bihari Kunj Thakurbari in complete violation of Guru-Shishya Parampara under which the Thakurbari is run by Mahanh.

ii. For issuance of an appropriate writ/s, order/s, Direction/s to respondents to annul the constitution of Ad hoc committee vide Notification dated 03.09.2023 wherein even persons having criminal background have been inducted as members in the Ad hoc committee which is in violation of statutory provisions of Bihar State Board of Religious Trust Act, and for which the petitioner mahanth has filed written complaint before authorities on 10.01.2023 where after complaint was filed with regard to mismanagement of Thakurbari.

iii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents directing the Chairman not to interfere in the functioning of Shri Ram Janki Siya Bihari Kunj Thakurbari which is run by Mahanth on the basis of Guru-Shishya Parampra and it does not require any interference by the Board.

iv. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case.”

3. Learned counsel for the petitioner submits that the committee has been constituted by the Board without considering the application of the petitioner which suggests that the some of the members of the present committee have criminal background and without considering the same the Board has constituted an ad hoc committee.



4. Learned counsel appearing on behalf of the Board submits that the Board had constituted the ad hoc committee in accordance with law after considering all the aspects including the application of the petitioner and in fact, the petitioner is also a part and parcel of the committee. Apart from that, if the petitioner has any grievance against the committee then he may approach under Section 32(3) of the Bihar Hindu Religious Trust Act, 1950 before the learned District Judge.

5. In view of the aforesaid, this writ petition stands disposed of with direction to the petitioner to avail the remedy prescribed under Section 32(3) Bihar Hindu Religious Trust Act, 1950 and if he file such an application as mentioned above before the learned District Judge, then the learned District Judge shall pass an appropriate order after considering all the aspects in accordance with law.

6. If any injunction application has been filed by the petitioner, then it shall be decided in accordance with law expeditiously.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.06.2024
Transmission Date	N/A

